IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2035 OF 2005

Rajesh Parekh ...Petitioner
Vs.
The State of Maharashtra ...Respondent

Shri. A.P. Mundargi with Ms Dipti Shah i/by Rishi Bhuta for the Petitioner .
Shri.Gul Asnani, P.P. for the Respondent- C.B.I.
Ms M.M. Deshmukh, A.P.P. for the Respondent-State.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 05, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Petitioner and the learned Advocate appearing for the Respondents.

2. It is not in dispute that cash surety has been furnished by the Petitioner on 01st September, 2005. Thus, there is a substantial compliance made with the order dated 20th July, 2005 by the Petitioner. However, the Petitioner has not furnished surety in terms of order dated 20th July, 2005. As cash surety is already furnished, time deserves to be granted to the Petitioner to comply with the order dated 20th July, 2005. As cash surety has been furnished, non-bailable warrant issued against the Petitioner deserves to be quashed and set aside.

3. Hence, I pass the following order:

: O R D E R :

i) The non-bailable warrant ordered to be issued

against the Petitioner by the order dated 22nd August, 2005 is quashed and set aside.

ii) Time of four weeks is granted to the Petitioner to comply with the order dated 20th July, 2005 passed in Bail Application No.211 of 2005 by furnishing necessary surety or sureties.

iii) If the Petitioner does not comply with the order within a period of four weeks from today, it will be open for the learned Trial Judge to pass appropriate orders.

iv) The Petition is disposed of in above terms.

v) Parties to act upon an authenticated copy of this order.

JUDGE